

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELADIO PEREZ-GUTIERREZ,

Defendant.

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8:08CR58

ORDER

This case is before the court on the defendant's Motion to Review Detention (#20). On April 7, 2008 the court received the investigation of the proposed release plan from Pretrial Services and, after reviewing that document, I find the defendant's motion should be denied based upon my finding that release to the proposed third-party custodian would not be proper.

While I remain concerned about the findings of fact set out in the February 13, 2008 Detention Order (#10), I am also concerned about the following issues regarding the proposed third-party custodian:

A records check shows the third-party custodian has several instances of failure to appear on traffic-related matters, four prior convictions for operating during suspension, a conviction for destruction of property, and a 2002 conviction for false information. In addition, the proposed third-party custodian, during the interview with Pretrial Services, somewhat surprisingly admitted that if the defendant is released, that she will leave her employment to supervise the defendant, but allow her husband who does not have proper immigration documentation to legally reside in the United States, to work for a lawn service company. When asked by Pretrial Services how her husband could be employed without

a resident alien card, she responded that “he knows of a place where he could work for cash.”

IT IS ORDERED:

1. The defendant's Motion to Review Detention (#20) is denied without hearing.

Dated this 9th day of April 2008.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge